



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

TO: All Development Services Department Customers

SUBJECT: **INFORMATION BULLETIN 124**
Administrative Exception Request Procedures for Building Permits

DATE: August 28, 2006

The City's Unified Development Code (UDC) provides for Administrative Exceptions to sections of the code that are routinely modified. Please refer to Article V – Section 35-501 for the specific code sections in which an administrative exception may be granted. The current UDC and its amendments may be accessed online at the following web link:

<http://www.sanantonio.gov/dsd/udc/index.asp?res=1152&ver=true>.

The Administrative Exception Request (AER) is required to show that the spirit, intent, and minimum acceptable level of public health, welfare and safety are preserved as ordained by the UDC. Through this process, the City is attempting to resolve issues during building permit reviews before variances to the Board of Adjustment or Planning Commission become necessary. This process has been introduced to help expedite and evaluate your requests in a timely manner and will apply to the applicable sections of the UDC.

Procedures

The following procedures are to be followed to help expedite the review of your AER for a building permit.

1. The AER is to be submitted to the COSA DSD using the attached form with supporting documentation provided in the recommended format. The AER will be logged-in with copies routed to the appropriate staff for review/recommendations.
2. One AER is required for each item/code issue under consideration.
3. The supporting documentation for the AER is to be prepared on company letterhead, signed and dated. See example provided. The letter shall include the minimum information listed or the application will be deemed incomplete and will result in delaying the review process.
4. The AER must be signed by the Owner, or the Owner's representative.
5. Applicant is required to provide three (3) copies of each AER and supporting documentation.
6. There is no fee for an AER submitted for review and consideration.
7. The applicant can deliver or mail AER packages to: Development & Business Service Center @ 1901 S. Alamo, San Antonio, Texas 78204 Attention: Jennifer G. Gallegos, E.I.T., Senior Engineering Associate.

8. The AER will be routed to the appropriate staff for review. After staff review of the AER, the COSA DSD will respond to your AER by approving your request, approving your request with additional requirements, or denying your request. In all cases, the ruling will be made in writing and the applicant will receive a copy of the ruling. If the AER is approved, the applicant will be advised whether to submit revised building plans for approval and/or to attach a copy of the AER form to the approved plans on the job site. If the AER is denied, the applicant may proceed with a variance request to the UDC requirements as per UDC Section 35-483.
9. The estimated turnaround time for AER review and action is fifteen (15) business days.

Records

Your AER application and the final decision of the DSD Director shall be officially recorded in the permanent records of this department.

Should you have any questions regarding the Administrative Exception Request process for building permits, please contact Ms. Jennifer G. Gallegos, E.I.T., COSA Senior Engineering Associate at 210-207-8056.

Should you be dissatisfied with the action/ruling taken on your AER, you have the right to appeal the ruling to Board of Adjustment or Planning Commission in accordance with the provisions of the UDC.

Attachments:

1. AER Application Form
2. Example format for AER Letter to be submitted with AER Application Form



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION REQUEST APPLICATION

Project:	
Address:	
Owner's Name:	
A/P # /PPR Project # (if applicable):	
Issue:	
Applicable Code:	
Code Sections:	

<u>Submitted by:</u>		
Name:	<input type="checkbox"/> Owner <input type="checkbox"/> Owners Agent	
Company:		
Address:		
City, State, Zip:		
Tel #:		Fax #:
Email:		
Signature:		

<u>For Office Use Only:</u>	AER #:		Date Received:	
<u>DSD – Director Official Action:</u>				
<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	APPROVED W/ COMMENTS	<input type="checkbox"/> DENIED
Signature:				Date:
Printed Name:			Title:	
Comments:				

CUSTOMER'S CO. LETTERHEAD

Date

Administrative Exception Request Review^{1, 2}

c/o Jennifer G. Gallegos, E.I.T. – Senior Engineering Associate, Plan Review

Development Services Department

City of San Antonio

1901 S. Alamo

San Antonio, TX 78204

Re: Project Name
A/P or Project Number (if applicable)
Code Issue

Dear COSA DSD – Engineering,

At a minimum, provide the following information in your Administrative Exception Request letter:

- ☒ *Introduction: Identify the project and state that you are requesting consideration for an administrative exception.*
- ☒ *Code Issue: Identify the specific Unified Development Code (UDC) section for which the AER is proposed.*
- ☒ *Discussion / Justification: Provide rationale and supporting information, such as technical data, engineering calculations, results of actual field tests, requirements or allowances in other standard engineering references, etc. that provide the basis for the City to accept the request. Proposed design documents (e.g., architectural or engineering plans, photos, etc.) and supporting information listed above should be attached to the request as needed to clarify proposed request. Specifically, provide:*
 - ☒ *rationale as to why the administrative exception will not be contrary to the spirit and intent of the UDC and the specific regulations from which an exception is requested;*
 - ☒ *assertion that the applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety and public welfare;*
 - ☒ *justification stating that under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception is granted;*

¹ Example format for Administrative Exception Request Letter

² To be provided with application form upon submittal of AER to COSA

- ☒ *In addition, the following items must be addressed as required by the UDC for Variances UDC Section 35-483(e), and must be placed as bullet points in the request letter:*
- If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his/her property; and*
 - The hardship relates to the applicant's land, rather than personal circumstances; and*
 - The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and*
 - The hardship is not the result of the applicant's own actions; and*
 - The granting of the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.*
- ☒ *Conclusion: Provide a summary statement such as "In my/our professional opinion, the proposed administrative exception remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public".*

Sincerely,

Signature and Title Block of Applicant

Signature of Owner (if applicable)

Attachment(s)